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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,710	09/17/2008	Geoffrey Buddington	TYR-P0011	8721
27268 7590 12/27/2010 BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204			EXAMINER BEDTLEYON, JOHN M	
			ART UNIT 2874	PAPER NUMBER
			NOTIFICATION DATE 12/27/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/586,710

**Applicant(s)**

BUDDINGTON ET AL.

**Examiner**

JOHN M. BEDTELYON

**Art Unit**

2874

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to the amendment and remarks submitted 09/21/2010. Claims 1, 5, 6, 8, and 10 are currently amended. No claims are newly added. Claims 11 and 12 are canceled. Claims 1-10 are currently pending in the Application.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

McDonald et al. (US Patent 6,899,467, hereinafter McDonald). McDonald discloses:

Claims 1 and 6: A crimp comprising

a hollow crimp body (62, see figures 3 and 7, figure 3 shows it being hollow) that is open at each end (see figure 3) and comprises, at a first end (72), a first crushable crimp tube (the first crushable crimp tube is labeled 63 in figure 7, though 63 never appears in the disclosure) for crimping onto a connector (16, see column 10, lines 28-59 which discloses the first end 72 engaging the rearward end 42 of the spring push 38 portion of the connector); and

at a second end (74) a second crushable crimp tube (65) for crimping onto a cable (column 10, lines 61-67), the portion of the crimp (see figure 7, the entire raised portion 86 between portions 63 and 65) between the said ends defining a body portion (enlarged portion 86, see figure 2, is interpreted as a body portion) having a dimension greater than that of the crimp tubes and (see figures 2 and 7, portion 86 extends radially outward farther than the crimp tubes and thusly has a greater dimension) including a recess (see figure 7, the portion 82 and 86 extends out from the element 62; on either side, to the left or right as seen in figures 2 and 7, of the portion 82, there is a recessed portion in that this portion doesn't stick out as far as portion 82, thusly it is recessed) for

engagement by a closure housing (14, see figures 3-5, and column 11, line 53- column 12, line 9, element 62 is received by element 14, and thusly the recessed portions are interpreted as being for engagement by a closure housing), where the recess has a dimension less than that of the body portion (see figure 7, the recessed portion doesn't protrude radially outward as far as portion 86, and is thusly interpreted as a recess which has a dimension less than that of the body portion) and

wherein the recess is a grooved recess (see figure 7) extending transverse to a longitudinal direction of the hollow crimp body (see figures 2 and 7, the groove to the left of enlarged portion 86, formed by the enlarged portion 86 and second end 74, see figures 2 and 7, extends in a transverse direction to the longitudinal direction of the crimp body) further comprising an optical cable (cable 12 comprising strength members 66 and fibers 130, see figures 1-4 and 6) inserted therethrough, the crimp tube (63) at the said first end (72) of the crimp (62) being crimped onto the spigot (portion 42 of element 38 is interpreted as a spigot) of a connector (element 16 is the connector, element 38 is a portion of the connector 16) so as to retain thereon the reinforcing fibers of the optical cable (column 10, lines 36-42); and

the crimp tube (65) at the said second end (74) being crimped onto the exterior of the optical cable (column 10, lines 61-67).

Claim 2: wherein the respective crimp tubes and the said portion therebetween are cylindrical (see figure 7).

Claim 3: wherein the diameter of the said portion between (86) the crimp tubes (63 and 65) is greater than that of either crimp tube (see figure 7).

Claim 4: wherein the recess is a groove formed in the periphery of the said portion (see figure 7, the groove is on the periphery of the portion 86, on either side of the element 82).

Claim 5: wherein the recess extends about the whole periphery of said body portion (see figure 7, the grooves on either side of the portion 82 extend around the entire diameter of the portion 86).

Claim 7: including a portion of a closure housing (14) received in the said recess so as to prevent relative movement between the crimp and the said closure housing portion (see figures 3 and 5, the recessed portions received portions of element 14, when the element 82 is received by portion 84 of element 14, column 11, line 53-column 12, line 9).

Claim 8: wherein the recess lies offset from the longitudinal mid-point of the crimp body (see figure 7, the mid-point of the crimp body is at point between the ends of portion 82, the recesses are on either side of 82 and are thusly offset from the longitudinal mid-point).

Claims 9 and 10: A method of securing an optical cable (12) to a connector (16) comprising the steps of:

(i) inserting an optical cable (12, including 66 and 130) through a crimp (62) according to any preceding claim (see above, the McDonald references discloses all the limitations of the crimp according to all the preceding claims) so as to protrude at either end thereof (see figure 2);

(ii) removing the jacket (64) of the optical cable (12) to expose the core (130) and reinforcement fibers (66) thereof (column 9, lines 59-66);

(iii) inserting the core (130) into a connector (16) spigot (portion 42 of element 38 is interpreted as the spigot, see figure 3, the core 130 is inserted into the spigot);

(iv) arranging the reinforcing fibers (66) about the spigot (42, column 10, lines 28-30);

(v) advancing the crimp (62) so that the first crimp tube overlies the spigot and the fibers (column 10, lines 30-33);

(vi) crimping the first crimp tube onto the spigot so as to retain the fibers on the spigot (column 10, lines 36-42); and, before or after step (vi),

(vii) crimping the second crimp tube onto the exterior of the cable (column 10, lines 61-67);

(viii) inserting the crimp (62) into an aperture (see figure 5, the openings 58 extend through all of portion 14) formed in a closure housing (14) so that a part of the closure housing engages the recess so as to prevent relative longitudinal movement between the crimp and the closure housing (see figures 3, 5 and 7, the key 82 in figure 7 engages with the passageway 84 as shown in figures 3 and 5; see column 11, line 61 - column 12, line 9; upon insertion of the crimp band 62 into the opening 58, see figure 5, the key 82, the recess being the space to the left of the key and enlarged portion 86, will abut the end of the passageway 84 when it ends in a leftward direction, see figure 5; thusly, while the key in the passageway prevents twisting, it also prevents longitudinal

movement of the crimp band 62 moving to the left, once the element 62 is fully inserted into the opening 58).

***Response to Arguments***

3. Applicant's arguments filed 09/21/2010 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicant's arguments but believes the cited reference to fully and completely meet the limitations of the claim.

Applicant's first argument is that McDonald '467 does not show a crimp band providing a tensional relief to the optical fiber, but rather a torsional restraint (see page 4, 5th paragraph).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a tensional relief to the optical fiber, instead of a torsional restraint) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

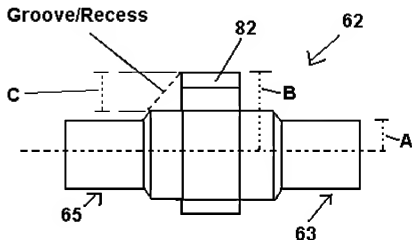
Applicant next argues McDonald fails to disclose a structure such that the portion of the crimp between the ends define a body portion has a dimension greater than that of the crimp tubes and which includes a recess for engagement by a closure housing, where the recess has a dimension less than that of the body portion (see page 4, last two paragraphs).

The Examiner respectfully disagrees. To clarify the Examiner's position, the Examiner has made a reproduction of the crimp band 62, as shown in figure 7, instead



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viewed from the size, see below. This drawing is not made exactly to scale, but is intended to be used in conjunction with actual Figure 7, and is intended to show general relationships and portions discussed by the Examiner.



Additionally, the Examiner has annotated figure 5, see below.

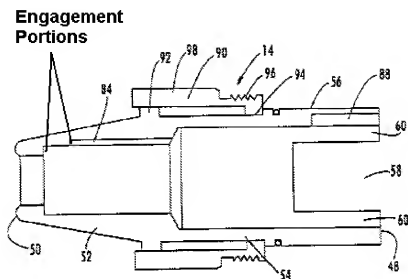


FIG. 5.

Using the above figures for reference, the Examiner interprets the dimension of the body portion (B) as being greater than that of the dimension of the crimp tubes (A) (also see column 11, line 53 - column 12, line 9, which discusses they key portion 82 engaging the longwise extending passageway 84; the dimension of the body portion B, including the key portion 82, necessarily must be larger than the crimp tube dimension A in order to interact with the passageway component passageway 84 since if it were smaller, the crimp tubes would hit the passageway, not the key 83). Also, since the dimension of the recess (A) is shown to be a portion (i.e. some amount smaller) of the encompassing dimension of the body portion (B), the dimension of the recess (A) is necessarily smaller than the dimension of the body portion (B). That is to say, it can be seen that McDonald discloses the portion of the crimp between the ends define a body

portion has a dimension (shown by "B") greater than that of the crimp tubes (shown by "A") and which includes a recess (labeled Groove/Recess) for engagement by a closure housing (52) (see figure 5 above, the left side of the key 82 will engage with the portion labeled Engagement Portions of the plug body 14 at the leftmost portions of passageway 84, see column 11, line 61 - column 12, line 9), where the recess has a dimension (shown as "C") less than that of the body portion (shown as "B"). Thusly, McDonald meets the limitations of the claims.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. BEDTELYON whose telephone number is

(571)270-1290. The examiner can normally be reached on Monday - Friday, 10:00am - 6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Uyen-Chau Le can be reached on 571-272-2397. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Bedtelyon/  
Examiner, Art Unit 2874

/UYEN-CHAU N. LE/  
Supervisory Patent Examiner, Art Unit 2874